

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kevin Olin Edwards,)	C/A NO: 4:05-212-CMC-TER
)	
Petitioner,)	
)	
v.)	OPINION AND ORDER
)	
)	
United States of America,)	
Federal Bureau of Prisons,)	
and John J. Lamanna,)	
)	
Respondents.)	
)	

Petitioner, an inmate at the Federal Correctional Institution in Edgefield, South Carolina, acting *pro se*, filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Respondents filed a motion to dismiss or in the alternative for summary judgment. In an order filed May 5, 2005, the court advised Petitioner of the procedures for responding to the motion for summary judgment and the consequences if no response was filed. Petitioner failed to file any response.

In accordance with this court's order of reference and 28 U.S.C. § 636(b), this matter comes before the court with the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III. The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate

Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge has recommended that the action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure because Petitioner failed to respond to Respondents' motion for summary judgment. The Magistrate Judge advised Petitioner of his right to file objections to the Report and Recommendation and the consequences if he failed to do so. Petitioner has filed no objections and the time for doing so has expired.

After reviewing the Petition, the motion, and the Report and Recommendation of the Magistrate Judge, the court agrees with the recommendation of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. This action is ***DISMISSED*** for failure of prosecution.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 19, 2005

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